

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1228 of 1998

in

SPECIAL CIVIL APPLICATION No. 5608 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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GANGARAM H GUJAR

Versus

UNION OF INDIA

Appearance:

M/S THAKKAR ASSOC. for Appellant
NOTICE SERVED BY DS for Respondent No. 1
MR SS SHAH for Respondent No. 2

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

Date of decision: 05/03/99

ORAL JUDGEMENT

Admit. Mr. Shah waives service of notice of admission on behalf of the respondents. At the request of learned advocates, the appeal is taken up today for final hearing.

This appeal is preferred against the order passed by the learned Single Judge in Special Civil Application No. 5608 of 1985 on 22.06.1998

Another LPA No. 1260 of 1998 arising out of the same incident wherein the reasons for not holding an inquiry were given, has been disposed of by us on 12.02.1999. The appellant of the instant appeal as well as the appellant of LPA No. 1260 of 1998 were discharging duties at the same place. After detailed hearing, we have disposed of LPA No. 1260/98.

For the reasons recorded in the judgment in LPA No.1260/98, this appeal is also required to be allowed, and is allowed. The order passed by the learned Single Judge is quashed and set aside. Special Civil Application No. 5608/85 is allowed. The order passed by the respondent authorities dispensing with the holding of inquiry while imposing major penalty is quashed and set aside. It is directed that the order with regard to misconduct in the instant case shall not be passed without holding an inquiry in accordance with the Rules.

The appeal stands allowed accordingly. No order as to costs.

csm./ -----